

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

| | | |
|-------------------------|---|------------------------------------|
| SABRINA CONAGE, |) | Civil Action No.: 2:22-cv-2974-RMG |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | COMPLAINT |
| |) | |
| DETYENS SHIPYARDS, INC. |) | |
| |) | |
| Defendants |) | |

COMES NOW, Sabrina Conage, Plaintiff in the above-captioned action, and complaining of Defendant, shows this Honorable Court as follows:

SUBJECT MATTER JURISDICTION

1. Plaintiff invokes the subject matter jurisdiction of this Honorable Court under 28 U.S.C. §1332 as the Plaintiff is a resident of the state of Florida, Defendant is a resident of the state of South Carolina, Defendant does business in the state of South Carolina and Plaintiff's damages are in excess of \$75,000.00. Plaintiff also requests a bench trial.

PARTIES

2. Plaintiff Sabrina Conage, at the time of the incident described below, was an employee of the United States of America employed as a seaman on USNS JOHN LENTHALL and is a resident of Orlando, Florida.

3. Defendant Detyens Shipyards, Inc. ("Detyens") is a corporation organized and existing under the laws the State of South Carolina, doing business in the State of South Carolina and has as its principle place of business a shipyard in North Charleston, South Carolina on the Cooper River.

FACTS

4. At the time of the below-described incident, USNS JOHN LENTHALL was docked at Detyens for repairs.

5. For people, including Plaintiff Sabrina Conage, to board and disembark from USNS JOHN LENTHALL, Detyens supplied and maintained a stairwell for people to use.

6. On or about January 24, 2020, Plaintiff Sabrina Conage was working on USNS JOHN LENTHALL and using said stairs to disembark from USNS JOHN LENTHALL onto a pier that the vessel was moored against.

7. While using said stairs and railing provided by Detyens to disembark from USNS JOHN LENTHALL, the railing failed, causing Plaintiff Sabrina Conage to fall.

8. As a result of the railing failing, Plaintiff Sabrina Conage injured her back and neck and had to undergo painful surgery for her injuries.

9. Due to Plaintiff Sabrina Conage's injuries, she has been assigned permanent work restrictions and physical impairments that will prevent her from returning to work as a seaman. As a result of the accident, Plaintiff Sabrina Conage is expected to experience permanent physical limitations, pain and suffering, emotional distress, loss of enjoyment of life and other damages.

**FOR A FIRST CLAIM OF RELIEF
(NEGLIGENCE)**

10. Plaintiff Sabrina Conage restates and realleges each and every allegation contained in the above numbered paragraphs one (1) through nine (9).

11. That the incident and all of Plaintiff Sabrina Conage's injuries and damages resulted therefrom were in no way caused or contributed to by any fault or neglect of Plaintiff, but rather, said damages and losses were caused solely by the fault and negligence of the unknown persons employed by Detyens who allowed the broken hand rail to exist and failed to maintain the

broken hand rail and Detyens in one or more of the following particulars, among others, all of which will be more fully shown at the trial of this matter:

- (a) Failing to repair said hand rail;
- (b) Failing to prevent said hand rail from breaking;
- (c) Failing to follow proper operation or safety procedures;
- (d) Failing to maintain adequate communications with Plaintiff and her employer about the broken hand rail;
- (e) Failing to give proper instructions and training to its employees;
- (f) Failing to warn Plaintiff;
- (g) Failing to use safe procedures to maintain said hand rail;
- (h) Failing to safely control said hand rail;
- (i) Allowing said hand rail to break and injure Plaintiff; and
- (j) Other acts of negligence that will be shown at trial.

12. As a result of the negligent acts of Detyens, Plaintiff Sabrina Conage has sustained serious bodily injury and other injuries, as described above.

13. As a result of Detyens' negligence, breach of duties, willfulness, wantonness and carelessness, Plaintiff Sabrina Conage has incurred substantial medical expenses for her medical care and treatment. These costs will continue to accrue in the future.

14. As a result of the Detyens' negligence, breach of duties, willfulness, wantonness and carelessness, Plaintiff Sabrina Conage will probably not be able to return to work in her chosen profession.

15. As a result of the Detyens' negligence, breach of duties, willfulness, wantonness and carelessness, Plaintiff Sabrina Conage has incurred substantial lost wages. These losses will continue into the future.

16. As a further result of Detyens' negligence, breach of duties, willfulness, wantonness and carelessness, Plaintiff Sabrina Conage has been made to endure substantial and continued pain and suffering, both physical and mental, which has had a significant impact on her general health and daily standard of living.

PLAINTIFF'S PRAYER

WHEREFORE, based on the foregoing, Plaintiff prays:

- a. That her Complaint be deemed good and sufficient;
- b. That process and due form of law, according to the practice of this Honorable Court, issue against Defendant, citing it to appear and answer under oath, all and singular the allegations of aforesaid;
- c. That Plaintiff may have judgment in her favor, as Plaintiff, against the Defendant for such amount as this Court may deem appropriate for all legal and allowable damages arising out of her serious injuries, plus pre-judgment interest, and costs of this action;
- d. That all expert fees be taxed as costs; and
- e. That this Honorable Court grant Plaintiff such and other and further relief, general and equitable relief that the justice in this cause may require, and to which they may otherwise be entitled.

Respectfully Submitted,

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ATTORNEY FOR PLAINTIFF

Mount Pleasant, South Carolina

August 29, 2022